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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9856
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA PRIORITY 2930
RUEHLM/AMEMBASSY COLOMBO 1217
RUEHKA/AMEMBASSY DHAKA 1188
RUEHNE/AMEMBASSY NEW DELHI 2133
RUEHPB/AMEMBASSY PORT MORESBY 3932
RUEHUL/AMEMBASSY SEOUL 4834
RUEHKO/AMEMBASSY TOKYO 2392
RUEHWL/AMEMBASSY WELLINGTON 2973
RUEHHK/AMCONSUL HONG KONG 2898
RUEHBAD/AMCONSUL PERTH 1059
RHEFDIA/DIA WASHINGTON DC
RHMCSSU/FBI WASHINGTON DC
RUEAWJA/DEPT OF JUSTICE WASHDC
RUEAIIA/CIA WASHDC
RHHJJPI/USPACOM HONOLULU HI
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001587

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, INL FOR
BARCLAY/ROSS/BUHLER
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC
NSC FOR E.PHU

E.O. 12958: DECL: 08/21/2018

TAGS: PGOV PTER ASEC ID AS

SUBJECT: BALI BOMBERS -- FURTHER DELAY IN EXECUTIONS

REF: A. JAKARTA 1582

1B. JAKARTA 1573 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

11. (C) SUMMARY: The Indonesian Attorney General has stated that the executions of the Bali bombers will probably be delayed at least until after the Islamic fasting month of Ramadan concludes in October. In the meantime, the Constitutional Court continues to review a last-ditch appeal by the terrorists. The bombers have also issued a rambling letter saying they are prepared to die as "martyrs." At this point, the executions could still happen at any time, but a reading of the tea leaves indicates that a delay is in store.

END SUMMARY.

EXECUTIONS PROBABLY DELAYED

12. (SBU) The latest news re the Bali bombers points to a delay in their executions. (Note: The three bombers were convicted of the terrorist bombings that killed over 200 people and injured and maimed dozens in October 2002.) On August 20, Attorney General Hendarman Supandji announced that the executions of the bombers would most likely not be carried out before September 1, the beginning of the Muslim holy month of Ramadan, due to delays in legal "paperwork."

13. (U) Before the executions could take place, he explained, his office needed to receive a formal letter from the Supreme Court confirming that the three terrorists, Amrozi (one name only), Imam Samudra and Ali Gufron, had exhausted all means of appeal. The Attorney General's Office (AGO) has yet to

receive that letter and this was delaying matters. The Attorney General added that he had previously thought that the executions could be carried out before September (as reported in ref b), but this now looks highly unlikely.

¶4. (C) Contacts have told us that they are not sure when the executions might occur. Priyo Waseso, a staff member of the Chief of the Indonesian police, told poloff that he did not have any further information. Another contact told us that the executions could occur "at any time" but it seemed more likely to occur "later this year." We spoke to the Australian Embassy and they did not have any further information on the time-line.

PRESSING AN APPEAL

¶5. (U) In the meantime, the Bali bombers are pressing a last-ditch appeal. Their attorneys wrote to the AGO on August 19 and requested that the executions be delayed until the Constitutional Court could review their appeal (reftel). The appeal claims that execution by firing squad, the legal form of execution in Indonesia, is "torture" and therefore unconstitutional. The bombers requested that they be beheaded instead per their view that this was more in line with Islamic precepts.

¶6. (SBU) For its part, the Constitutional Court has not announced whether it will accept the appeal. Our contact at the Australian Embassy suggested that the Court may be in a bit of a confused mode right now because of its recent change in leadership and that it may only begin a review of the matter next week. (Note: The Court selected a new Chief Judge on August 19 -- see ref a.)

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A LETTER FROM THE TERRORISTS

¶7. (U) Although the lawyers for the three terrorists continue to use legal maneuvers to delay the executions, the Bali bombers themselves recently stated that they are eager to die as "martyrs." In a confusing, rambling letter released to the press, the three--who are incarcerated in a maximum security prison--explained that dying a "martyr's death" was their "wish and dream," and that if the executions were carried out by "infidels, hypocrites, and apostates" then their wishes had been fulfilled.

READING THE TEA LEAVES

¶8. (C) At this point, the executions could still happen at any time, but a reading of the tea leaves indicates that a delay is in store. Their appeal to the Constitutional Court appears to have successfully delayed matters further. The letter from the terrorists conforms to the totally unrepentant line they have taken ever since their arrest and trial.

HUME